

Case 2:12-cv-04935-GRB Document 58 Filed 05/17/16 Page 1 of 2 PageID #: 1108  
According to the principles of law as instructed by the Court and the facts as you find them, please answer the following questions (**CIRCLE YES OR NO**):

**Question 1:** Did plaintiff prove by a preponderance of the credible evidence that he was qualified to serve as a full duty police officer?

YES →

NO →

**Question 2:** Did plaintiff prove by a preponderance of the credible evidence that he suffered an adverse employment action by being assigned to restricted duty as a police officer?

YES →

NO →

Please proceed to Question 3 on the next page

**Conclusion:** You have reached a verdict for defendant.  
  
Please answer the Question 3 on the next page for information purposes only, then report your verdict to the Court. The foreperson must also sign and date the box at the bottom of the next page.

★ MAY 18 2016 ★  
LONG ISLAND OFFICE

VERDICT SHEET: Hoey v. County of Nassau, 12-CV-4935(GRB)

Court Exhibit #9  
5/18/2016

**Question 3 (Affirmative Defense):** Did defendant prove by a preponderance of the credible evidence that plaintiff would pose a direct threat to the health and safety of himself or others if assigned as a full duty police officer?

**YES** →

**Conclusion: You have reached a verdict for defendant.**

Please report your verdict to the Court. Do **not** answer any further questions. The foreperson must sign and date the box at the bottom of the following page.

**NO** ↓

**Conclusion: If you have answered YES to Questions 1 and 2, and NO to Question 3, you have reached a verdict for plaintiff. Proceed to Question 4.**

**Question 4 (Damages):** Please set forth the amount of damages that plaintiff should recover for:

Past Economic Damages: \$80,000  
and  
Emotional Harm/Pain & Suffering: \$49,500

**OR** Nominal Damages: \_\_\_\_\_ (\$1 or less)

**FOREPERSON:**

Please sign and date the Verdict Sheet, and then advise the Court by note that you have reached a verdict and are ready to announce that verdict in the courtroom.

Dated: Central Islip, NY  
May 18, 2016.

*[Signature]*  
FOREPERSON'S SIGNATURE

VERDICT SHEET: Hoey v. County of Nassau, 12-CV-4935(GRB)